

Naddeo, Menatti Perfetti, and agents, servants, and employees of the Indiana Macaroni Co.

**NATURE OF CHARGE:** That, since February 15, 1945, the defendants had been manufacturing, selling, and shipping spaghetti, macaroni, and noodle products in interstate commerce; that, in February and April 1945, inspections were made of the firm's place of business at Indiana, Pa., which inspections disclosed the existence of insanitary conditions in the plant; and that the methods and procedure followed in the manufacture of noodle products indicated that it was the regular practice of the defendants to use unfit raw materials, improperly cleaned flour, and improper and insanitary equipment in the manufacture of its products. The complaint further charged that, on the occasion of each visit by Food and Drug Administration inspectors, the attention of the person in charge of the plant was called to the unhealthy and insanitary conditions and the wholly unfit character of the raw materials being used for food products; that the defendants were warned that shipments of such products in interstate commerce would be violative of the law; that, notwithstanding these warnings, they failed to correct the conditions; and that, at the time of the filing of the complaint, they were continuing to introduce into interstate commerce products which were adulterated under Section 402 (a) (3) and (4) of the Act.

**PRAYER OF COMPLAINT:** That a preliminary injunction issue, restraining the defendants from commission of the acts complained of; and that, after due proceedings, the preliminary injunction be made permanent.

**DISPOSITION:** August 21, 1945. The defendants having consented to the entry of a decree, the court issued an order permanently enjoining the defendants from shipping in interstate commerce any adulterated food products manufactured or stored by the defendants at their plant.

**8828. Adulteration of macaroni and spaghetti. U. S. v. Peter Viviano and Sam Viviano (Viviano Bros. Macaroni Co.). Pleas of guilty. Each defendant fined \$1,000. (F. D. C. No. 15486. Sample Nos. 68020-F to 68022-F, incl., 68024-F.)**

**INFORMATION FILED:** May 23, 1945, Eastern District of Michigan, against Peter and Sam Viviano, trading as the Viviano Bros. Macaroni Co., Detroit, Mich.

**ALLEGED SHIPMENT:** On or about May 9 and 17, 1944, from the State of Michigan into the State of Ohio.

**LABEL, IN PART:** "Viviano Brand Elbow Macaroni," "Viviano Brand Semolina Vivison Macaroni Co., Inc. Manufacturers, Detroit, Michigan Spaghetti," "Blue Rose Brand \* \* \* Vivison Macaroni Co., Inc. \* \* \* Elbow Macaroni," or "Viviano No. 1 Semolina Spaghetini."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects, insect larva, insect fragments, rodent hair, hairs resembling rodent hairs, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

**DISPOSITION:** May 29, 1945. The defendants having entered pleas of guilty, the court imposed a fine of \$1,000 upon each defendant.

**8829. Adulteration of spaghetti. U. S. v. 30 Boxes of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 15382. Sample No. 9312-H.)**

**LIBEL FILED:** February 14, 1945, Western District of New York.

**ALLEGED SHIPMENT:** On or about April 17, 1943, from Reynoldsville, Pa.

**PRODUCT:** 30 20-pound boxes of spaghetti at Elmira, N. Y., in the possession of the Elmira Wholesale Grocery Co. This product had been stored under insanitary conditions after shipment. The boxes were rodent-gnawed, and they had been used as nesting places by rodents. Rodent excreta was found on and in the boxes.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** April 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.